REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended claims 48, 60 and 71. Applicant respectfully submits no new matter has been added. Accordingly, claims 48-81 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 102(e)

Claims 48-50, 52-56, 58-62, 64-67 and 69-73 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Tso et al. US Patent No. 6,421,733 (referred to hereafter as Tso). The Applicant has amended claims 48, to better define the intended scope of the claimed invention. The Examiner's consideration of the amended claims is respectfully requested.

To summarize the Applicant's present invention: a data stream is transmitted from the gateway to the client over a path on the Internet to reach a requesting client. This path may pass a number of nodes on the Internet and is not the same path as the path used by the client to reach the gateway controller. The data path that is used can vary since packets are transmitted according to routing on the Internet, most often using best effort. The gateway controller is reached via a first IP address (URI) known by the client and only the two endpoints, the IP address of the client and the IP address of the gateway controller, are known. The path from the client to the gateway is different from the path to the gateway controller as the gateway and the gateway controller have different IP addresses.

The Applicant respectfully directs the Examiner's attention to amended claim 48.

> 48. (Currently Amended) A method of processing a media stream in a communications system that includes an Internet Protocol (IP) network, the method comprising the steps of:
> configuring a service for providing the media stream to a first entity, by sending a service request to a gateway controller, having a first IP

address, the service request including information relevant to the first entity:

initiating the media stream for a session between the first entity and a second entity, with the first entity receiving, and the second entity sending the media stream via a data path that includes a gateway coupled to the IP network, the gateway being managed by the gateway controller:

negotiating a format for the media stream, wherein the media stream with a format unacceptable to the first entity is converted to an acceptable format by the gateway prior to forwarding the media stream to the first entity;

the first entity invoking the gateway controller, via a path between the gateway controller and the first entity that is separate from the data path carrying the media stream between the gateway and the first entity, to cause the gateway to process the media stream received from the second entity;

processing the media stream according to the negotiated formats; and

sending the processed media stream on to the first entity. (emphasis added)

The Applicant respectfully asserts that the Tso reference does not teach or suggest at least the emphasized limitation.

The Tso reference discloses a system for transcoding data transmitted between computers. The Applicant has reviewed the portion (col. 6, lines 24-50) of Tso cited as anticipating the limitation "initiating the media stream for a session ... sending the media stream via a data path that includes a gateway coupled to the IP network...". The Applicant believes that the rejection of this limitation is based on equating the threads in Tso to the paths described in the Applicant's present invention. The Applicant respectfully disagrees with the interpretation of the cited portion.

Tso describes a client requesting an object from the Internet through a transcoding server. The transcoding server is connected to the client via "a communications link (14)". The communications link is a link between two entities and would equate to a path. Tso discusses a "separate service provider" using a thread to read an "incoming data stream" (col 6, lines 42-43).

A thread is a term of art in the computer field that defines a sequence of executing instructions through a processor within a computer that can run independently

of other threads. Threads are also a way for a program of instructions to split into two or more simultaneously running tasks. In other words, threads are different sets of program instructions running at the same time within a server. The Applicant respectfully submits that equating threads in the Tso reference to paths in the present invention is not appropriate (at the very least, a path is considered passive, not active like a thread).

The Applicant teaches sending a request to a gateway controller along one path and sending a media stream via a second, data path that includes a gateway. The paths described in the Applicant's invention are external to the gateway, the gateway controller and the client. There is no threading involved between the entities, nor would the threading taught in Lee be considered a communications system path to a person having ordinary skill in the art. This being the case, the Applicant respectfully request the withdrawal of the rejection of claim 48.

The limitations, as emphasized in claim 48, are lacking in the Tso reference and claim 48 is thus distinguishable from Tso. Analogous limitations are recited in claims 60 and 71. Thus, claims 48, 60 and 71 and all claims dependent therefrom are distinguishable from the Tso reference and a withdrawal of the rejection of these claims is respectfully requested.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 51, 57, 63, 68 and 74 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tso in view of Galensky et al US Patent No. 6,845,398. The Applicant respectfully traverses the rejection of these claims.

The Galensky reference was cited for teaching a wireless device system and method for receiving and playing multimedia files from a multimedia server using the GSM system. It is respectfully submitted that the Galensky reference does not address the above-identified deficiencies of Tso with respect to the Applicant's invention. This being the case, the Applicant respectfully requests the withdrawal of the rejection of claims 51, 57, 63, 68 and 74.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

<u>The Applicant requests a telephonic interview</u> if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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